

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

United States of America

v.

Edith HERNANDEZ
Desiree Maria SUTTON

Case No:

EP-19-M-8803-RFC (1)(2)

2019 OCT -7 AM 11:16

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of October 3, 2019, in the county of El Paso in the Western District of Texas, the defendant violated 8 U.S.C. § 1324, an offense described as follows:

knowing and in reckless disregard of the fact that an alien has come to, entered, and remained in the United States in violation of law, did transport, move, and attempt to transport and move such alien within the United States in furtherance of said violation of the law.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Sergio Chavez, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 7, 2019

Judge's signature

City and state: El Paso, Texas

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On October 4, 2019, agents assigned to the Homeland Security Investigations (HSI) El Paso Border Enforcement Security Taskforce responded to the El Paso Texas Border Patrol checkpoint regarding a smuggling scheme apprehension at the checkpoint located on highway 62/180 at Desert Haven, Texas located in the Western District of Texas.

On October 3, 2019, at approximately 8:55 pm, a Border Patrol Agent was working the primary inspection area when a Silver Nissan Versa bearing Texas plates LCC 6519 entered the checkpoint lane for inspection. The Border Patrol agent greeted the two front passengers of the vehicle and identified himself as a United States Border Patrol Agent. The driver of the vehicle later identified as Edith HERNANDEZ stated she and all the occupants of the vehicle were all United States Citizens. The front passenger later identified as Desiree Maria SUTTON stated that she was also a United States Citizen. The Border Patrol Agent then noticed the three male passengers in the back seat looking straight forward. The Border Patrol Agent asked HERNANDEZ (driver) to roll down the rear window to ascertain the citizenship of the three individuals, but HERNANDEZ continued looking forward and ignored the Border Patrol Agents request. After several attempts, the Border Patrol Agent asked the two front female passengers for an identification and directed them to secondary area for an immigration inspection of the occupants.

At the secondary area, the Border Patrol Agent asked in the Spanish language the three passengers that were sitting in the back seat of the vehicle if they had any immigration documents allowing them to be or remain the country legally. All three subjects freely stated that they were all illegally in the United States and were not in possession of any immigration documents. All of the subjects were read their Miranda Rights individually and signed accordingly and agreed to cooperate.

On October 4, 2019, at approximately 12:05 am, Border Enforcement Security Task Force (BEST) agents arrived at the checkpoint to further investigate the case. Desiree SUTTON was again advised of her Miranda rights to which she stated that she understood by acknowledging her signature. SUTTON agreed to be questioned without an attorney present. SUTTON stated that on October 3, 2019 they went to the Mesa Inn Hotel to meet with a guy by the moniker name of "Fifty" who asked them if they wanted to move some "POLLOS" (undocumented aliens) to Houston, Texas. SUTTON stated that "Fifty" would pay them \$1,000 USD if they agreed to take the "POLLOS" to Houston, Texas. SUTTON stated that she agreed to move the undocumented aliens in her vehicle. SUTTON stated that "Fifty" gave her \$300 USD for fuel and \$150 for utilizing her car.

Edith HERNANDEZ was again advised of her Miranda rights to which she stated that she understood by acknowledging her signature. HERNANDEZ agreed to be questioned without an

attorney present. HERNANDEZ stated that on October 3, 2019, her and her friend (SUTTON) were staying at the Mesa Inn Hotel. HERNANDEZ stated that an individual by the name of Hector came to their room and asked them if they needed money. HERNANDEZ stated that Hector asked them if they were willing to move "POLLOS" up north. HERNANDEZ stated that her and her friend (SUTTON) agreed to do it. HERNANDEZ stated that Hector was going to pay them \$2,000 USD per alien.

One subject, herein referred to as MAT-WIT #1 were advised of his Miranda rights. He acknowledged and agreed to speak to agents without an attorney present. Below is an interview summary. It is not intended to be a verbatim account and does not memorialize all statements made during the interview.

MAT-WIT #1 stated he left El Salvador and arrived in Ciudad Juarez, Chihuahua, Mexico on August 2, 2019. MAT-WIT#1 stated that he entered the United States on or about August 4, 2019 and was picked up that same day by an individual named Mario. MAT-WIT #1 stated that Mario took him to a house where he stayed for approximately 50 days. MAT-WIT #1 stated that after several days of no movement, he left on his own and was later picked up by an individual named "Guero". MAT-WIT#1 stated that "GUERO" took him to a hotel. MAT-WIT #1 stated that on Thursday, October 3, 2019 he and two other individuals were picked up at the hotel by two young ladies later identified as Desiree SUTTON and Edith HERNANDEZ.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.